

REMARKS

This is a response to the Office Action dated September 1, 2004, in which claims 1-27 of the present application were subject to a three-way restriction requirement. In particular, The Examiner has indicated that pending claims are directed to more than one invention and thus require an election under 35 U.S.C. 121 of one of the following claimed inventions:

- I. Claims 1-6, drawn to a test contactor;
- II. Claims 7-16, drawn to a test printed circuit board;
- III. Claims 17-27, drawn to a method of fabricating a test printed circuit board.

In order to be fully responsive, applicant hereby provisionally elects with traverse the invention of Group I, claims 1-6. Applicant however believes that the restriction requirement should be withdrawn because to search and examine claims in Groups I, II and III would not be a serious burden on the Examiner. In particular, The M.P.E.P. § 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicant contends that a search and examination of the entire application could be made without serious burden and that all pending claims, 1-27, should be searched and examined together in the subject application, especially the claims in Groups I and II, which are classified in the same class. As such, applicant respectfully requests reconsideration of the restriction requirement. In the event the restriction requirement is maintained, applicant fully reserves the right to prosecute the subject matter of the non-elected claims in one or more divisional applications.

Next, the Office Action indicated that the present application contains claims directed to more than one species and thus require an election under 35 U.S.C. 121 of one of the following species of the claimed invention:

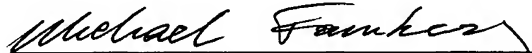
- I. The species of Fig. 2;
- II. The species of Fig. 3;
- III. The species of Fig. 4;
- IV. The species of Fig. 5.

In order to be fully responsive, applicant hereby provisionally elects with traverse Species I, depicted in Fig. 2 of the present application. Applicant however believes that the species election requirement should be withdrawn because the elected claims 1 is generic to all four species. In the event the species election requirement is maintained, applicant reserves the right to file one or more divisional applications to protect the non-elected species depicted in Figs. 3, 4 and 5.

No fee is believed due for this submission. Should any fees be required, however, please charge such fees to Jones Day Deposit Account No. 50-1013.

Respectfully submitted,

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